

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1644 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VALSAD DISTRICT CENTRAL CO OPERATIVE BANK LTD.

Versus

STATE OF GUJARAT

Appearance:

MR BM MANGUKIYA for Petitioner
Mr. ST Mehta Addl PP for Respondent No. 1
SERVED for Respondent No. 4, 5

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/02/97

ORAL JUDGEMENT

Rule returnable today. Learned Addl. PP Mr. S.T.Mehta waives service of rule on behalf of the respondents. The petitioner is the Co-Operative Bank which has advanced loan to one Kalwada Vividh Seva Sahakari Mandali Ltd. It appears that the records of the said society has been destroyed in the month of August, 1996. It is suspected that the records have been destroyed purposefully by the Chairman of the Society. In this respect, a complaint being CR No. 166/96 has been registered in the Valsad Rural Police Station. It is the

grievance of the petitioner bank that in absence of the records, it would be impossible for the bank to recover the amount of loan from the concerned borrowers. However, the police has failed to investigate into the charge alleged against the Chairman. The Bank has, therefore, preferred this petition for transferring the investigation to an independent agency. Learned Addl. PP Mr. Mehta has submitted that the respondent No.5 is the Investigating Officer and he has not been able to proceed with the investigation on account of non-cooperation by the petitioner Bank. He has submitted that the bank has not been responding and in absence of the records which are lying with the Bank, it is difficult for the Investigating Officer to proceed further with the investigation.

2. In the above circumstances, following directions are issued :

Respondent No. 4 District Superintendent of Police, Valsad shall treat this petition as a representation and consider the grievance made by the petitioner as well as the Investigating Officer. He shall, then, make necessary orders to entrust the investigation either to respondent No. 5 himself or to any other officer whom he considers fit to investigate into the matter. Such order shall be made within a period of two months from today. Mr. Mangukia states that the petitioner Bank shall extend all cooperation that is required for the purpose of investigation. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. Registry shall send writ forthwith.
